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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,857	12/31/2001	Nicholas Sauriol	56130.000072	5328

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EXAMINER	
FERGUSON, KEITH	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,857	SAURIOL ET AL.	
	Examiner	Art Unit	
	Keith T. Ferguson	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kesling et al..

The claim invention reads on Kesling et al. as follows:

Regarding claim 11, Kesling et al. discloses a method for retransmitting a received radio programming Signal (paragraph 0012, and paragraph 0040), comprising the steps of: receiving the signal over a cellular transmission network at a first transceiver station (satellite) configured to output the radio programming signal (program content, music, information, advertisement, etc.)(fig. 3 number 12 and paragraph 0039 through paragraph 0040); and transmitting the signal from the first transceiver station (satellite) to at least a second transceiver

station (radio receiver) (20)(fig. 3 number 20 and paragraph 0040) configured to output the radio programming signal on a flash card media link (1140) to be read by reader connected to a computer (1150)(paragraph 0041).

Regarding claim 12, Kesling et al. discloses processing the signal at the first transceiver station (fig. 3 number 12) prior to retransmitting (paragraph 0040).

Regarding claim 13, Kesling et al. discloses second transceiver station comprises a stereo system (paragraph 0036 paragraph 0046).

Regarding claim 14, Kesling et al. discloses a car radio (paragraph 0036 paragraph 0046).

Regarding claim 15, Kesling et al. discloses an infrared link (paragraph 0047 lines 5-11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1,5,6,7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Timm et al., newly recited reference.

Regarding claim 1, Lee et al. discloses a receiver (vehicle radio)(fig. 1 number 20) for receiving a radio programming signal broadcast over a cellular transmission network (col. 5 lines 55-61 and col. 6 lines 24-51), the receiver (fig. 1 number 20) comprising: an input (gateway transceiver) (fig. 2 number 130) for receiving the radio programming signal (col. 8 lines 40-45); an audio output (speakers) for delivering an audible portion of the radio programming signal (fig. 2 number 152 and col. 8 lines 47-51); and processor means (fig. 2 number 50) for processing the radio programming signal (col. 8 lines 28-54). Lee et al. differs from claim 1 of the present invention in that it does not disclose transmission means for transmitting the radio programming signal to a second receiver configured to deliver an audible portion of the radio programming signal. Timm et al. teaches an automobile radio-cassette unit for FM radio stereo reception which provides broadcast announcements to a speaker 14 and earphones (KH1 and KH2) (col. 4 line 54 through col. 5 line 36), the earphone are infrared wireless connection to the automobile radio-cassette unit (col. 5 lines 56 through col. 6 line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made To modify Lee et al. vehicle radio with transmission means for transmitting the radio programming signal to a second receiver configured to deliver an audible portion of the radio programming signal in order for a passenger of the vehicle to receive AM/FM music in private, so that other passengers are not disturbed, as taught by Timm et al..

Regarding claim 5, Lee et al. discloses a memory means (storage) (fig. 2 number 92) for storing at least a portion of the radio programming signal (col. 8 lines 54-58).

Regarding claim 6, Lee et al. discloses memory means comprises Random Access Memory (RAM)(inherent, since the computer runs an application system and series of application that control the overall operation of the device, taught in col. 5 lines 63-65 and fig. 1 number 50) buffering data related to the radio programming signal (col. 5 lines 63-65, col. 8 lines 27-53 and fig. 1 number 50).

Regarding claim 7, Lee et al. discloses persistent memory (storage device)(fig. 2 number 92) for storing data and voice data related to the radio programming signal (col. 8 lines 54-64).

Regarding claim 8, Lee et al. discloses a processor for running software and for voice processing (voice recognition processing)(col. 8 lines 29-53).

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Timm et al. as applied to claim 1 above and in further view of Kesling et al..

Regarding claim 2, the combination of Lee et al. and Timm et al. differs from claim 2 of the present invention in that they do not explicit disclose an RF module for processing and re-transmitting the radio broadcast signal. Kesling et al. teaches a radio device (fig. 4 number 20) comprising an RF module (fig. 4 number 200) for processing an incoming signal (paragraph 0039 through paragraph 0041) and re-transmitting the radio broadcast signal (paragraph 0047 lines 4-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lee et al. and Timm et al. with an RF module for processing and re-transmitting the radio broadcast signal in order for the multimedia device to receive stock quotes or e-mail while driving and download the stock quotes or e-mail to a personal computer, as taught by Kesling et al..

Regarding claims 3 and 4, the combination of Lee et al. and Timm et al. differs from claims 3 and 4 of the present invention in that they do not explicit disclose a digital decoder module for decoding and processing digital signals embedded in the radio programming signal and audio decoder module for decoding and processing audio signals embedded in the radio programming signal. Kesling et al. teaches a radio device (fig. 4 number 20) comprising a channel decoder module for decoding and processing digital signals embedded in the radio programming signal and an audio decoder for decoding audio signals embedded in the radio programming signal (fig. 4 number 300 and 400). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lee et al. and Timm et al. with a digital decoder module for decoding and processing digital signals embedded in the radio programming signal and audio decoder module for decoding and processing audio signals embedded in the radio programming signal

in order for the multimedia device to decode wireless digital channels from the cellular and FM carrier and to provide audio sounds from the cellular and FM carrier when driving, as taught by Kesling et al..

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Timm et al. as applied to claim 1 above and in further view Mauro,II.

Regarding claim 9, the combination of Lee et al. and Timm et al. differs from claim 9 of the present invention in that they do not explicit disclose software supporting the playback of audio formats such as MP3 and WAV. Mauro,II teaches a communication device (fig. 1) which comprises software supporting the playback of audio formats such as MP3 and WAV (paragraph 0036). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lee et al. and Timm et al. with software supporting the playback of audio formats such as MP3 and WAV in order for the multimedia device to provide audio to the user based upon the users preference when receiving music or advertisements, as taught by Mauro,II.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Timm et al. as applied to claim 1 above and in further view of Helferich.

Regarding claim 10, the combination of Lee et al. and Timm et al. differs from claim 10 of the present invention in that they do not explicit disclose a video output for delivering a video portion of the radio programming signal. Helferich teaches a paging transceiver that comprise a video output for delivering a video portion of a radio signal (col. 5 lines 8-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lee et al. and Timm et al. with a video output for delivering a video portion of the radio programming signal in order for the multimedia device to display images when driving, as taught by Helferich.

9. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kesling et al. in view of Timm et al..

Regarding claims 16 and 19, Kesling et al. discloses a system (fig. 2) for receiving and transmitting a radio programming signal over a cellular transmission network (paragraph 0012 line 1 through paragraph 0018 line 22), comprising: input means (antenna) for receiving the radio programming signal (fig. 4 number 110); output means (high power wireless module)(fig. 4 number 700) which consist of speakers (paragraph 0063 through paragraph 0067) for delivering the radio programming signal (paragraph 0063 through paragraph 0067); transmissing means (high power wireless module)(fig. 4 number 700) for transmitting the radio programming signal(paragraph 0063 through paragraph 0067); and processing means (system controller) (processor) for processing the radio programming signal (fig. 4 number 800). Kesling et al. differs from claim 16 of the present invention in that it does not disclose transmitting the radio programming signal to at least one device configured to deliver the radio programming signal. Timm et al. teaches an automobile radio-cassette unit for FM radio stereo reception which provides broadcast announcements to a speaker (14) and earphones (KH1 and KH2)(devices) (col. 4 line 54 through col. 5 line 36), the earphone (device) are infrared wireless connection to the automobile radio-cassette unit (col. 5 lines 56 through col. 6 line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made To provide Kesling et al. with transmitting the radio programming signal to at least one device configured to deliver the radio programming signal in order for the system to broadcast a program content to the radio receiver within the vehicle to a passenger earphone so that the passenger could listen to the program content in private, as taught by Timm et al..

Regarding claim 17, Kesling et al. discloses an RF module (fig. 4 number 200).

Regarding claim 18, Kesling et al. discloses an infrared link (paragraph 0047 lines 5-12).

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kesling et al. in view Timm et al. as applied to claim 16 above and in further view of Mauro,II.

Regarding claim 20, the combination of Kesling et al. and Timm et al. differs from claim 20 of the present invention in that they do not explicit disclose software supporting the playback of audio formats such as MP3 and WAV. Mauro,II teaches a communication device (fig.1) which comprises software supporting the playback of audio formats such as MP3 and WAV (paragraph 0036). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kesling et al. and Timm et al. system with software supporting the playback of audio formats such as MP3 and WAV in order for the system to provide audio to the user based upon the users preference when receiving music or advertisements, as taught by Mauro,II.

Response to Arguments

11. Applicant's arguments filed September 6, 2004 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

Argument: Regarding claim 11, Applicant alleges that Kesling et al. do not disclose applicant's new limitation "configured to output the radio programming signal".

Explanation: Examiner respectfully disagrees, see revised claim 11 rejection above. Kesling et al. discloses a method for retransmitting a received radio programming Signal (paragraph 0012, and paragraph 0040), comprising the steps of: receiving the signal over a cellular transmission network at a first transceiver station (satellite) configured to output the radio programming signal (program content, music, information, advertisement, etc.)(fig. 3 number 12 and paragraph 0039 through paragraph 0040); and transmitting the signal from the first transceiver station (satellite) to at least a second transceiver station (radio receiver) (20)(fig. 3 number 20 and paragraph 0040) configured to output the radio programming signal on a

flash card media link (1140) to be read by reader connected to a computer (1150)(paragraph 0041).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T.

Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
February 25, 2005